

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DUANE E. BEATY,

Movant,

-against-

15-cv-8637 (LAK)
(03-cr-1364 (LAK))

UNITED STATES OF AMERICA,

Defendant.
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ORDER

LEWIS A. KAPLAN, *District Judge.*

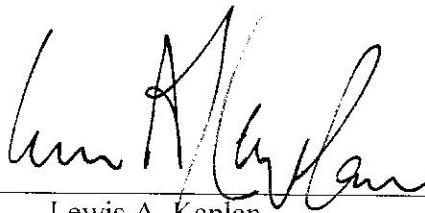
Movant claims he did not receive a copy of this Court's July 7, 2021 memorandum and order (03-cr-1364, Dkt. 218) and requests an extension of time within which to appeal. While the docket indicates that the Clerk was directed to mail movant a copy of the order and it is presumed that the Clerk did as directed and that movant received it, the Court nevertheless find that the conditions for reopening the time within which to appeal that are set forth in Fed. R. App. P. 4(a)(6) have been satisfied and reopens the time within which to appeal from the July 7, 2021 order. The rule, however, limits the period during which the reopening is effective to 14 days from the date of entry of the order reopening. Moreover, Fed. R. App. P. 26(b) prohibits any extension of time within which to file a notice of appeal except as "except as authorized in Rule 4." Accordingly, the Court cannot extend the 14 day period. Movant would be well advised to file any notice of appeal no later than November 12.

Accordingly, the application set forth in 03-cr-1364 (LAK), Dkt 219, is granted to the extent set forth above and otherwise denied.

The Court notes also that the Clerk mailed another copy of the July 7, 2021 memorandum and order to the movant today.

SO ORDERED.

Dated: October 28, 2021



Lewis A. Kaplan
United States District Judge